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OFFICE OF PETITIONS

In re Application of
Erich Wanker et al.
Application No. 09/485,005
Filed: September 11, 2000
Attorney Docket No. **V0179/7001**

ON PETITION

This is a decision on the request for reconsideration filed September 20, 2007, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on March 13, 2007 for failure to file a timely response to the non-Final Office Action mailed December 11, 2006, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed July 24, 2007.

Petitioner asserts that a proper response, was filed on May 1, 2007, with a two month extension of time request. In support, petitioner submits a copy of the reply said to have been filed, with a certificate of mail dated May 1, 2007, and includes a postcard receipt date stamped May 4, 2007 by the United States Patent and Trademark Office.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 1641 for appropriate action on the amendment filed May 1, 2007 (certificate of mail date) and received on May 4, 2007, a copy of which was submitted September 20, 2007 with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison Ball
Senior Petitions Attorney
Office of Petitions